

REMARKS

Applicant respectfully requests reconsideration and allowance of all pending claims.

I. Status of the Claims

Claims 1-4, 6-11, and 13-14 are pending in this application. In this Amendment B, claims 1, 3, and 4 have been amended. Support for these amendments may be found in previously pending claims 1, 3, 4, 5, and 12. Claims 5 and 12 have been canceled. No new matter has been added by way of these amendments.

II. Claim Objections

Applicants note that previously pending claim 5 has been canceled. By way of this amendment, this objection has been obviated.

III. Rejection of Claims under 35 U.S.C. § 112

Claims 1-4 and 6-14 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for the treatment of contact dermatitis, acne, rosacea and psoriasis, does not reasonably provide enablement for the additional claimed dermatologic conditions including skin irritation, regulating skin condition, regulating the signs of skin aging, age-related damage, or damage resulting from harmful radiation, environmental pollution, stress and fatigue. Applicants have amended claims 1, 3, and 4 to require the dermatologic condition to be selected from the group consisting of contact dermatitis, acne, rosacea, and psoriasis. Accordingly, this rejection should be withdrawn as moot.

IV. Double Patenting Rejection

Claims 1-14 remain rejected on the ground of nonstatutory obviousness-type double patenting as unpatentable over the claims of U.S. Pat. No. 6,667,330, in view of U.S. Pat. No. 6,653,346. Specifically, the Terminal Disclaimer To Obviate Double Patenting Rejection over U.S. Pat. No. 6,667,330 in view of U.S. Pat. No. 6,653,346 filed along with Amendment A was disapproved as an attorney or agent, not of record, is not authorized to sign a terminal disclaimer

in the capacity as an attorney or agent acting in a representative capacity. Applicants are submitting a Revocation and New Power of Attorney by Assignee, giving power of attorney to the undersigned. Additionally, Applicants are resubmitting the Terminal Disclaimer To Obviate Double Patenting Rejection Over U.S. Pat. No. 6,667,330 in view of U.S. Pat. No. 6,653,346.

Accordingly, Applicants respectfully submit that this rejection is moot.

CONCLUSION

In view of the foregoing, Applicant respectfully requests favorable reconsideration and allowance of all pending claims.

The Commissioner is hereby authorized to charge Deposit Account 01-2384 in the name of Armstrong Teasdale LLP for the fee for a one month extension and any additional fees due for the submission of this Amendment B, including the fee for the Terminal Disclaimer being filed simultaneously herewith.

Respectfully submitted,

/Christopher M. Goff/

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Via EFS